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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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12/30/2003

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EXAMINER

PRICE, NATHAN E

ART UNIT

PAPER NUMBER

2194

MAIL DATE

DELIVERY MODE

05/30/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/749,733	Applicant(s) KAUTZLEBEN ET AL.	
	Examiner NATHAN PRICE	Art Unit 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 February 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/26/2008</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 – 19 are pending.
2. This Office Action is in response to communications received 26 February 2008. Previous objections and rejections not included in this Office Action have been withdrawn.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 26 February 2008 has been entered.

Response to Arguments

4. Applicant's arguments with respect to claim 1 – 19 have been considered but are moot in view of the new ground(s) of rejection.

Specification

5. The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code (§ 31 of the specification). Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

6. An embedded hyperlink is still present in view of Applicant's amendment to the specification received on 26 February 2008.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim s 1, 8, 12, 14 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ismael et al. (US Pat. 6,061,721; hereinafter Ismael) in view of Spencer (US 2002/0188610 A1).

8. As to claim 1, Ismael teaches a monitoring system comprising:
a cluster of application servers communicatively coupled on a network to serve applications over the network to a plurality of clients, each of the application servers comprising a plurality of server nodes (Fig. 1; col. 4 lines 20 – 60);

a plurality of MBean servers assigned to the plurality of server nodes (Fig. 3; col. 6 lines 10 – 30);

a plurality of runtime MBeans associated with specified resources on each of the plurality of server nodes and registered with one of the MBean servers, each of the runtime MBeans collecting and reporting monitoring data for its associated resource (col. 6 lines 10 – 30; col. 7 lines 6 – 23); and

cluster integration logic to compile resource data collected from each of the individual runtime MBeans via the MBean servers and to provide the compiled data in a predefined organizational structure to a management interface (col. 9 lines 10 – 43).

9. Ismael fails to teach a central services instance, presentation logic and a central database as claimed. However, Spencer teaches a cluster of multiple application server instances and a central services instance communicatively coupled on a multi tiered network where presentation logic and business logic are logically separated from a user application instance executing on a client, the application server instances to serve applications over the network to a plurality of clients, each of the application servers comprising a plurality of server nodes, the central services instance to provide messaging and synchronization services between each application server instance; and a central database storing program code and configuration information for the application server instances (§§ 37, 63, 71 – 72, 77 – 78, 106). It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to

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combine these teachings because Ismael teaches managing networks and network resources such as those described by Spencer.

10. As to claims 8 and 14, see the rejection of claim 1.

11. As to claims 12 and 18, Ismael teaches generating the monitor MBeans responsive to monitor configuration data stored within a central database (col. 13 line 19 – col. 14 line 2).

12. Claims 2 – 7, 9 – 11, 13, 15 – 17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ismael in view of Spencer as applied to claims 1, 8 and 14 above, and further in view of Wilson (US 2002/0029298 A1).

13. As to claim 2, Ismael fails to teach a tree as claimed. However, Wilson teaches the predefined organizational structure comprises a monitor tree, the monitor tree representing a hierarchical relationship between each of the resources monitored by each of the MBeans (¶ 59). It would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to combine these teachings because both teach managed objects.

14. As to claim 3, Ismael combined with Wilson teach the cluster integration logic comprises a plurality of monitor MBeans arranged in a hierarchical tree structure, each

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of the monitor MBeans associated with at least one of the runtime MBeans, each of the monitor MBeans to receive the resource data from its associated runtime MBean (Ismael: col. 5 lines 18 – 36; col. 6 lines 10 – 47; Wilson: ¶ 59).

15. As to claim 4, Ismael combined with Wilson teach a management interface to display the resource data in a graphical structure representing at least a portion of the hierarchical tree structure (Ismael: col. 9 lines 10 – 43; Wilson: ¶ 59).

16. As to claims 5 and 6, see the rejection of claims 12 and 18.

17. As to claim 7, Ismael combined with Wilson teach a connector associated with each MBean server to communicatively couple each MBean server to the cluster integration logic (Wilson: ¶ 61, 68).

18. As to claims 9 – 11, 13, 15 – 17 and 19, see the rejection of claims 2 – 4 and 7.

Conclusion

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to NATHAN PRICE whose telephone number is (571)272-4196. The examiner can normally be reached on 6:00am - 2:30pm, Monday - Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Meng-Ai An/
Supervisory Patent Examiner, Art Unit 2195

NP